IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1224 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUNILKUMAR KANAKPRASAD

Versus

LUKAS JOSEPH CHRISTIAN

Appearance:

1. First Appeal No. 1224 of 1984

MR RN SHAH for MR MUKESH R SHAH for Petitioner No. 1

NOTICE UNSERVED for Respondent No. 1

NOTICE SERVED for Respondent No. 2

..... for Respondent No. 3

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 10/07/2003

ORAL JUDGEMENT

1. This appeal by the original claimant under Section 110-D of the Motor Vehicles Act, 1939 is directed against the judgment and award dated 22nd September, 1983

passed by the M.A.C. Tribunal (A) Panchmahals at Godhra in M.A.C. Petition no.698 of 1982.

2. The claimant was a minor boy aged about four years. He was knocked down by a vehicle driven by respondent no.1 and belonging to respondents nos.2 and 3. He sustained injuries and suffered partial disability of his left lower limb. He claimed Rs.40,000=00 as compensation. The Tribunal, after recording the evidence, came to the conclusion that the accident was caused by the negligence of the driver. Thereafter, the Tribunal proceeded to assess compensation and awarded Rs.8,000=00 for pain, shock and suffering, Rs.2,000=00 for loss of enjoyment of life, Rs.14,400=00 for loss of earning capacity, Rs.1,600=00 for medical and other expenses, Rs.20,000=00 for further operation, in all Rs.28,000=00. The Tribunal also awarded interest at the rate of 6% on the said amount.

3. The claimant has, therefore, filed this appeal for additional compensation, since the Tribunal awarded Rs.28,000=00 only against the claim for Rs.40,000=00.

4. Shri R.N.Shah learned counsel for the appellant took me through the judgment and evidence on record and submitted that the Tribunal had committed error in not awarding the entire claim. However, the Tribunal has applied correct principles for determining compensation for personal injury and disability and, looking to the injuries and disability suffered by the claimant, the amount of compensation awarded by the Tribunal cannot be said to be outside the brackets so as to call for interference. The appeal is, therefore dismissed. No order as to costs.

[M.C. PATEL, J.]
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